

S/N 09/077,572

69 Rec'd PLO TO 13 OCT 1998

99/077572 PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Apicella et al.

Examiner: Unknown

Serial No.: 09/077,572

Group Art Unit: Unknown

Filed: June 1, 1998

Docket: 875.001US2

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC § 371

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

In response to the "Notification of Missing Requirements" (see enclosed copy), an executed Declaration by the named inventor is enclosed. The surcharge for providing the Declaration later than the appropriate 20 or 30 months from the priority date was previously paid.

Applicants believe the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at (612) 373-6903.

Respectfully submitted,

MICHAEL A. APICELLA ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6903

Date 13 Oct 1998

By

Warren D. Woessner

Warren D. Woessner, Ph.D.

Reg. No. 30,440

WDW:CMG:jas

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EM492671836US

Date of Deposit: October 13, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Phil Wheeler
Name

Phil Wheeler
Signature

Applicant: Michael A. Apicella et al.

Title: NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

Docket No.: 875.001US2

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Due Date: October 10, 1998 (Saturday)

BOX PCT

Assistant Commissioner for Patents


Washington, D.C. 20231

We are transmitting herewith the following attached items (as indicated by an "X"):

- ☒ A return postcard.
- ☒ A signed Combined Declaration and Power of Attorney (12 pgs.).
- ☒ A Petition for Extension of Time (1 pg.)
- ☒ A check in the amount of \$110.00 to pay the Extension of Time Fee.
- ☒ Response to Notification of Missing Requirements Under 35 USC 371 (1 pg.); Copy of Form PCT/DO/EO/905.
- ☒ A signed Assignment (9 pgs.), Recordation Form Cover Sheet (1 pg.) and check in the amount of \$40.00 to cover the Assignment Recording Fee.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27.
- ☐ Other: ____.

If not provided for in a separate paper filed herewith, please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938, Minneapolis, MN 55402 (612-373-6900)

By: 
Name: Warren D. Woessner, Ph.D.
Reg. No. 30,440
WDW:CMG:jas

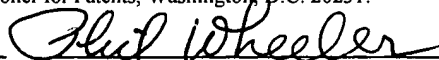
CERTIFICATE UNDER 37 CFR 1.10:

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Phil Wheeler
Name


Signature

(GENERAL)

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
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Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/077572	APICELLA	M 875.001US2

INTERNATIONAL APPLICATION NO.	
PCT/US96/18984	
I.A. FILING DATE	PRIORITY DATE
27 NOV 96	01 DEC 95
DATE MAILED: AUG 10 1998	

ANN S VIKSNINS
SCHWEGMAN LUNDBERG WOESSNER & KLUTH
PO BOX 2938
MINNEAPOLIS, MN 55402

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed JUN 01, 1998 and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

DI/Sept. 10, 1998 & Jan. 10, 1999

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Schwegman, Lundberg,
Woessner & Kluth, P.A.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

AUG 14 1998

A copy of this notice MUST be returned with this response. RECEIVED

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

[Signature]
Charita A. Bort, Paralegal
Telephone: 703-305-3734